

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK \_\_\_\_\_ x

AMERICAN LECITHIN COMPANY,  
LIPOID GmbH, LIPOID, LLC, and  
PHOSPHOLIPID GmbH,

Plaintiffs,

-against-

CARSTEN MATTHIAS REBMANN,

\_\_\_\_\_  
Defendant. \_\_\_\_\_ x

Case No. 12-cv-0929 (JSR)

DEFENDANT’S OBJECTIONS AND  
RESPONSES TO PLAINTIFFS’ FIRST  
SET OF INTERROGATORIES

Pursuant to Fed. R. Civ. P. 33 and Local Rules 26.2, 26.3 and 33.3, the Defendant, Carsten Matthias Rebmann (“Defendant” or Mr. Rebmann”) hereby submits his objections and responses to Plaintiffs’ First Set of Interrogatories (the “Interrogatories”). Defendant reserves the right to supplement, modify or add to its objections and responses to the Interrogatories, although Defendant does not hereby undertake to agree to do so, except to the extent required by the Federal Rules or the Local Rules.

**INSTRUCTIONS AND DEFINITIONS**

The following instructions and definitions apply to each interrogatory:

1. “Complaint” means the complaint filed on February 6, 2012 in the Southern District of New York and styled, American Lecithin Company, Lipoid GmbH, Lipoid, LLC, and Phospholipid GmbH v. Carsten Matthias Rebmann. Case No. 12-cv-0929 (JSR).

**OBJECTION.** Defendant objects to the foregoing definition inasmuch as Plaintiffs served and filed an amended complaint on or about April 9, 2012 (the “Amended Complaint”). The Amended Complaint is now the operative complaint for purposes of this litigation, and accordingly, Defendant will construe “Complaint” as used herein to mean the Amended Complaint.

2. “Answer” means the answer filed on March 19, 2012 in response to the Complaint.

**OBJECTION.** Defendant objects to the foregoing definition inasmuch as Plaintiffs served and filed an Amended Complaint on or about April 9, 2012, and Defendant filed his Answer and Affirmative Defenses to Amended Complaint on or about April 23, 2012. Accordingly, Defendant will construe “Answer” as used herein to mean his Answer and Affirmative Defenses to the Amended Complaint.

3. *“Subject Domain Names” means the following domain names: (1) [alcolec.com](http://alcolec.com); (2) [americanlecithin.com](http://americanlecithin.com); (3) [cerasome.com](http://cerasome.com); (4) [lipoidllc.com](http://lipoidllc.com); (5) [nanosolve.com](http://nanosolve.com); (6) [phosal.com](http://phosal.com); (7) [phospholipon.com](http://phospholipon.com); (8) [phytosolve.com](http://phytosolve.com) and (9) [phospholipids.net](http://phospholipids.net) and/or (10) [cochleates.com](http://cochleates.com).*

### **INTERROGATORIES**

1. Identify yourself, including as part of your answer, your full name, any other names by which you are now or have been known, your date of birth, home address, home telephone number, as well as your business address(es) and your business telephone number(s).

**ANSWER:** **OBJECTION.** Defendant objects to this Interrogatory to the extent Plaintiffs seek information from the Defendant beyond what is permitted under the Federal Rules of Civil Procedure and Local Rules 26.3 and 33.3, and to the extent Plaintiffs seek information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving his objection, Defendant responds:

Carsten Matthias Rebmann  
Perimondo, LLC  
331 W. 84<sup>th</sup> Street, Apt. #2  
New York, NY 10024

2. Please provide the dates when you registered each of the Subject Domain Names.

**ANSWER:** **OBJECTION.** Defendant objects to this Interrogatory as beyond the scope of what is permissible pursuant to Local Civil Rule 33.3 and seeking information that Plaintiff can obtain more practicably through other means. Subject to and without waiving his objection, Defendant responds:

[alcolec.com](http://alcolec.com): Upon information and belief, the domain has been registered since September 30, 2003 and was transferred to my account in May or June 2008.

[americanlecithin.com](http://americanlecithin.com): Upon information and belief, the domain has been registered since January 2000 and was transferred to my account in May or June 2008.

[cerasome.com](http://cerasome.com): I do not recall the specific date. Upon information and belief, the domain has been registered since May 4, 2011.

[lipoidllc.com](http://lipoidllc.com): I do not recall the specific date. Upon information and belief, the domain has been registered since March 2004, and was transferred to my account in 2007 or 2008.

[nanosolve.com](http://nanosolve.com): I do not recall the specific date. Upon information and belief, the domain has been registered since January 4, 2004.

[phosal.com](http://phosal.com): Upon information and belief, the domain has been registered since September 30, 2003 and was transferred to my account in May or June 2008.

[phospholipon.com](http://phospholipon.com): Upon information and belief, the domain has been registered since September 30, 2003 and was transferred to my account in May or June 2008.

[phytosolve.com](http://phytosolve.com): I do not recall the specific date. Upon information and belief, the domain has been registered since May 4, 2011.

[phospholipids.net](http://phospholipids.net): I do not recall the specific date, but it was registered in my name at least as early as August 25, 2007. Upon information and belief, the domain has been registered since February 4, 2004.

[cochleates.com](http://cochleates.com): Upon information and belief, I registered this domain on September 7, 2006.

3. Please explain why you registered each of the Subject Domain Names in your name.

**ANSWER:** OBJECTION. Defendant objects to this Interrogatory as beyond the scope of what is permissible pursuant to Local Civil Rule 33.3 and seeking information that Plaintiff can obtain more practicably through other means.

4. Please identify any other domain names that are registered to you, or that have been registered to you in the past 7 years.

**ANSWER:** OBJECTION. Defendant objects to this Interrogatory as beyond the scope of what is permissible pursuant to Local Civil Rule 33.3 and seeking information that Plaintiff can obtain more practicably through other means, and to the extent Plaintiffs seek information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence.

5. Identify all property belonging to Plaintiffs that you took and/or currently have in your possession.

**ANSWER: OBJECTION.** Defendant objects to this Interrogatory as compound and beyond the scope of what is permissible pursuant to Local Civil Rule 33.3. Subject to and without waiving his objection, Defendant responds: Upon information and belief, none.

6. State the name, home address, home telephone number, business address and business telephone number of each person you intend to call as a non-expert witness during the trial of this matter.

**ANSWER: OBJECTION.** Defendant objects to this Interrogatory to the extent Plaintiffs seek to impose any burden on Defendant beyond that which is permitted under the Federal Rules of Civil Procedure and Local Rules 26.3 and 33.3, and to the extent Plaintiffs seek information not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory as premature, and reserves the right to modify his witness list at any time. Subject to and without waiving his objections, Defendant responds:

**Carsten Matthias Rebmann**

**Dr. Herbert Rebmann.  
c/o Gregory F. Hauser  
Wuersch & Gering LLP  
100 Wall Street, 21<sup>st</sup> Floor  
New York, NY 10017**

**Andreas Kolodziej  
c/o Gregory F. Hauser  
Wuersch & Gering LLP  
100 Wall Street, 21<sup>st</sup> Floor  
New York, NY 10017**

**Lawrence Doherty  
Lawrence Doherty  
115 Foxton Court  
Beacon Falls, CT 06403**

**Christian Wettre  
W-Systems Corp.  
19 Spear Road, Suite 101  
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**Bruce Baretz  
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New York, NY 10017**

**Birgit Rebmann**  
**Fuerstenweg 13, D-67435**  
**Neustadt/Weinstrasse, Germany**

**Judy Connell**  
**c/o Gregory F. Hauser**  
**Wuersch & Gering LLP**  
**100 Wall Street, 21st Floor**  
**New York, NY 10017**

**Defendant further reserves the right to call any witness identified on Plaintiffs' Rule 26(a)(1) initial disclosures, and any other witness whose identity may be revealed in discovery.**

7. For each and every affirmative defense set forth in the Answer, state in detail all facts upon which you base such defense.

**ANSWER: OBJECTION. Defendant objects to this Interrogatory as beyond the scope of what is permissible pursuant to Local Civil Rule 33.3 and seeking information that Plaintiff can obtain more practicably through other means.**

May 21, 2012

DEFENDANT  
CARSTEN MATTHIAS REBMANN

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McCarter & English LLP  
245 Park Avenue, 27<sup>th</sup> Floor  
New York, N.Y. 10167  
Tel.: 212.69.6800  
Fax: 212.609.6921

**CERTIFICATION**

Pursuant to Fed. R. Civ. P. 5(b) and Local Civil Rule 5.2, I hereby certify that on May 21, 2012, a copy of the foregoing was e-mailed and served by mail to:

Gregory F. Hauser, Esq.  
Gregory.hauser@wg-law.com  
Sherica Bryan, Esq.  
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Wuersch & Gerin, LLP  
100 Wall Street, 21st Floor  
New York, New York 10017

Elizabeth M. Smith  
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